

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**CHRISTOPHER BANKS**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 2:20-cv-28-TBM-MTP**

**CITY OF PETAL, MISSISSIPPI  
And FORREST COUNTY, MISSISSIPPI**

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on submission of the Report and Recommendation [34] entered by United States Magistrate Judge Michael T. Parker on May 28, 2021. After considering the record and applicable law, Judge Parker recommends that the Motion for Judgment on the Pleadings [24] be granted, that the Plaintiff's Complaint [1] be dismissed with prejudice, and that the dismissal count as a strike pursuant to 28 U.S.C. § 1951(g). The Plaintiff has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.


“When a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error.” *Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) (citing *Douglas v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1)). Having considered Judge Parker's Report and Recommendation, the Court finds that it is neither clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [34] entered by United States Magistrate Judge Michael T. Parker on May 28, 2021 is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that the Motion for Judgment on the Pleadings [24] is GRANTED.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's Complaint [1] is DISMISSED WITH PREJUDICE for failure to state a claim upon which relief can be granted, and this dismissal for failure to state a claim counts as a STRIKE under 28 U.S.C. § 1915(g).

THIS, the 22nd day of July, 2021.



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TAYLOR B. McNEEL  
UNITED STATES DISTRICT JUDGE